

JS 44C/SDNY
REV. 4/2014

JUDGE KONAS

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

MAR - 9 2015

PLAINTIFFS
Wells Fargo Bank, N.A. (appellant)

DEFENDANTS
Cynthia Carssow-Franklin (appellee)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Nicole E. Schiavo, Hogan Lovells US LLP, 875 Third Ave., NY NY 10022

ATTORNEYS (IF KNOWN)
Linda Tirelli, Garvey Tirelli & Cushner, Ltd., 50 Main Street, Suite 390, White Plains, NY 10606

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal from decision of the United States Bankruptcy Court pursuant to 28 USC 158(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS			ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 387 HEALTHCARE/	<input type="checkbox"/> 825 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY	28 USC 158	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	REAPPORTIONMENT
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 890 OTHER	28 USC 157	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> PRODUCT LIABILITY			<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL			<input type="checkbox"/> 450 COMMERCE
OVERPAYMENT &	EMPLOYERS'	<input type="checkbox"/> INJURY PRODUCT			<input type="checkbox"/> 460 DEPORTATION
ENFORCEMENT	LIABILITY	<input type="checkbox"/> LIABILITY			<input type="checkbox"/> 470 RACKETEER INFLU-
OF JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY		PROPERTY RIGHTS	ENCED & CORRUPT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 820 COPYRIGHTS	ORGANIZATION ACT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 830 PATENT	(RICO)
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE		<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CONSUMER CREDIT
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE				<input type="checkbox"/> 490 CABLE/SATELLITE TV
(EXCL VETERANS)	PRODUCT LIABILITY				
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	SOCIAL SECURITY	SOCIAL SECURITY	<input type="checkbox"/> 850 SECURITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 861 HIA (1395f)	COMMODITIES/
OF VETERAN'S	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 862 BLACK LUNG (923)	EXCHANGE
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 160 STOCKHOLDERS		PRISONER PETITIONS	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 890 OTHER STATUTORY
SUITS		<input type="checkbox"/> 483 ALIEN DETAINEE	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 865 RSI (405(g))	ACTIONS
<input type="checkbox"/> 190 OTHER		<input type="checkbox"/> 510 MOTIONS TO			<input type="checkbox"/> 891 AGRICULTURAL ACTS
CONTRACT	ACTIONS UNDER STATUTES	VACATE SENTENCE	<input type="checkbox"/> 710 FAIR LABOR	FEDERAL TAX SUITS	
<input type="checkbox"/> 195 CONTRACT	CIVIL RIGHTS	28 USC 2255	STANDARDS ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 893 ENVIRONMENTAL
PRODUCT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 740 RAILWAY LABOR ACT	Defendant)	MATTERS
LIABILITY	(Non-Prisoner)	<input type="checkbox"/> 535 DEATH PENALTY	RELATIONS	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 895 FREEDOM OF
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 540 MANDAMUS & OTHER	LEAVE ACT (FMLA)	28 USC 7609	INFORMATION ACT
	<input type="checkbox"/> 442 EMPLOYMENT		<input type="checkbox"/> 790 OTHER LABOR		<input type="checkbox"/> 896 ARBITRATION
REAL PROPERTY	<input type="checkbox"/> 443 HOUSING/	PRISONER CIVIL RIGHTS	LITIGATION		<input type="checkbox"/> 899 ADMINISTRATIVE
<input type="checkbox"/> 210 LAND	ACCOMMODATIONS	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 791 EMPL RET INC		PROCEDURE ACT/REVIEW OR
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 555 PRISON CONDITION	SECURITY ACT		APPEAL OF AGENCY DECISION
<input type="checkbox"/> 230 RENT LEASE &	DISABILITIES -	<input type="checkbox"/> 560 CIVIL DETAINEE			<input type="checkbox"/> 950 CONSTITUTIONALITY OF
EJECTMENT	EMPLOYMENT	CONDITIONS OF CONFINEMENT			STATE STATUTES
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH		IMMIGRATION		
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES -OTHER		<input type="checkbox"/> 462 NATURALIZATION		
LIABILITY	<input type="checkbox"/> 448 EDUCATION		APPLICATION		
<input type="checkbox"/> 290 ALL OTHER			<input type="checkbox"/> 465 OTHER IMMIGRATION		
REAL PROPERTY			ACTIONS		

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] DEF []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☒ WHITE PLAINS ☐ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 2/23/15 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. February Yr. 2009)

Attorney Bar Code # 4506499

RECEIPT # 10557954

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge W. J. KRAJICK is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)